THE INDIAN DIVORCE ACT, 1869 (IV OF 1869).

G. of I., H. D., Notn. No. F. 928/27-Judicial, dated 28th July 1928.

S. 17-A

In pursuance of section 17-A* of the Indian Divorce Act (IV of 1869), the Governor General in Council is pleased to appoint, each of the officers specified in the first column of the annexed Schedule to exercise, within the jurisdiction of the High Court specified in the corresponding entry of the second column thereof, the like right of showing cause why a decree for dissolution of marriage should not be made absolute or should not be confirmed, as the case may be, as is exercisable in England by the King's Proctor.

SCHEDULE.

Name of Officer.	Name of High Court.
(1) Crown Prosecutor, Madras ...	Madras High Court
(2) Solicitor to the Government of Bombay ...	Bombay High Court.
(3) Superintendent and Remembrancer of Legal Affairs, Bengal ...	Calcutta High Court.
(4) Government Advocate, United Provinces ...	Allahabad High Court.
(5) Legal Remembrancer, Punjab	Lahore High Court.
(6) Government Advocate, Burma	Rangoon High Court.
(7) Legal Remembrancer, Bihar and Orissa ...	Patna High Court.

G. of I., H. D., Notn. No. F. 928/27-1-Judicial, dated 28th July 1928.

S. 17-A Indian Divorce (Domiciled Parties) Intervention Proceedings Rules, 1928.

In exercise of the powers conferred by section 17-A* of the Indian Divorce Act (IV of 1869), the Governor General in Council is pleased to make the following rules :—

1. These rules may be called the Indian Divorce (Domiciled Parties) Intervention Proceedings Rules, 1928.

2. In these rules, unless there is anything repugnant in the subject or context—

"Act" means the Indian Divorce Act (IV of 1869);

"Officer" means an officer appointed under section 17-A of the Act to exercise the like right of showing cause that a decree for the dissolution of marriage should not be made absolute or should not be confirmed, as the case may be, as is exercisable in England by the King's Proctor;

"Pleader" means any person entitled to appear and plead for another in Court, and includes an advocate, a vakil, and an attorney of a High Court; and

"Proceeding" means a suit or proceeding under the Act.

*The powers under section 17A now vest in the State Government.

3. (1) If any person during the progress of a proceeding or before the decree nisi is made absolute gives information to the officer on any matter material to the due decision of the case, the officer may take such steps as he considers necessary or expedient.

(2) If, in consequence of any such information or otherwise, the officer suspects that any parties to the petition are or have been in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may, after obtaining the leave of the court, intervene and produce evidence to prove the alleged collusion.

4. (1) When the officer desires to show cause against making absolute a decree nisi, he shall enter an appearance in the proceeding in which such decree nisi has been pronounced and shall, within a time to be fixed by the Court, file his plea setting forth the grounds upon which he desires to show cause as aforesaid, and a certified copy of his plea shall be served upon the petitioner or person in whose favour such decree has been pronounced or his pleader. On entering an appearance the officer shall be made a party to the proceedings and shall be entitled to appear in person or by pleader.

(2) Where such plea alleges the petitioner's adultery with any named person, a certified copy of the plea shall be served upon each such person omitting such part thereof as contains an allegation in which the person so served is not named.

(3) All subsequent pleadings and proceedings in respect of such plea shall be filed and carried on in the same manner as in respect of an original petition under the Act, except as hereinafter provided.

(4) If the charges contained in the plea of the officer are not denied or if no answer to the plea of the officer is filed within the time allowed or if an answer is filed and withdrawn or not proceeded with, the officer may apply forthwith for the rescission of the decree nisi and dismissal of the petition.

5. Where the Officer intervenes and shows cause against a decree nisi in any proceedings for divorce the court may make such order as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just.